SC #10-8-7-a
D#10-14

Amy Beasley Cronin
Secretary, Standards Council

11 August 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	**D#10-14**
Standards Council Agenda Item:	**SC#10-8-7-a**
Date of Decision*:	5 August 2010
NFPA 86, *Standard for Ovens and Furnaces*, 2011 edition	

Dear Interested Parties:

At its meeting of 3-5 August 2010, the Standards Council considered an appeal on the above referenced matter.

Attached is the final decision of the Standards Council on this matter.

Sincerely,

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, T. Lemoff, J. Moreau-Correia
Members, TC on Ovens and Furnaces (OVE-AAA)
Members, TC on Explosion Protection Systems (EXL-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.

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SUMMARY ACTION: *The Standards Council voted to deny the appeal to accept Comment 86-5 to use extracted definitions.*

At its meeting of August 3-5, 2010, the Standards Council considered an appeal from Marcelo Hirschler, GBH International. The appeal requests that the 2011 edition of NFPA 86, *Standard for Ovens and Furnaces,* be issued with the acceptance of Comment 86-5. Specifically the Comment sought to use the extracted definitions for "flammable limits", "lower flammable limit (LFL)" and "upper flammable limit (UFL)" from NFPA 68, *Standard on Explosion Protection by Deflagration Venting.*

As background, Proposal 86-14 modified the definitions and their use in NFPA 86. The definitions extracted from NFPA 68 were submitted and rejected as Comment 86-5. A Certified Amending Motion (CAM 86-1) seeking acceptance of Comment 86-5 was made at the 2010 Association Technical Meeting (Tech Session). The motion failed.

The appeal requests that the Council overturn the action that was recommended by the NFPA codes and standards development process. On appeal, the Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process, only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results yielded by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the definitions will remain as modified by the TC in the Committee Report.